

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF NEW YORK

NOTICE RE: REDACTION PROCEDURES FOR TRANSCRIPTS

The Judicial Conference of the United States (the “Conference”) adopted a privacy policy for public access to electronic case files. This policy contains procedures for redacting personal information from court filings that are electronically available to the public.

At its March 2007 meeting, the Conference adopted revisions to the transcript redaction procedures to clarify which portions of the transcript should be reviewed by and whom. The Conference stated that courts, such as ours, that have transcripts of court proceedings available to the public in electronic format should follow certain procedures to ensure that the transcripts made electronically available do not contain the protected personal information, which includes: Social Security numbers, financial account numbers, dates of birth, and names of minor children. In criminal cases, home addresses are considered confidential personal information also; however, since we have no criminal cases in the Bankruptcy Court, this provision is not applicable.

Each party’s attorney, or in the case of an unrepresented party, the party, is required to review the ordered transcript for the information set out above. Such information should be redacted as follows:

1. Social Security numbers should indicate only the last four digits; dates of birth should contain only the year of birth; individuals known to be minors should be referred to with initials; and financial account numbers should be redacted to show only the last four digits.
2. Within five business days of a court reporter’s delivery of the transcript to the Clerk of Court, an attorney must file a notice of intent with the court to request redaction of such information from the transcript. Each attorney is responsible for reviewing the opening and closing statements made on behalf of the party he or she represents, any statements made by the party, and the testimony of any witnesses called by the party. If no notice is filed during this five-day period, the court will make the transcript electronically available to the public. An attorney serving as “standby counsel” to assist a *pro se* defendant in his or her defense has the same responsibilities as if he or she were the *pro se* party’s attorney of record in the case.

3. Once an attorney has filed a notice of intent to request redaction, the attorney has 21 days to review the transcript and submit to the court reporter or transcriber, a list of the places in the transcript where the personal data to be redacted appears. This time may be extended by court order, for good cause shown. The court reporter or transcriber must redact the identifiers as directed by the party. Also, during this time period, an attorney could, by motion, request that additional information be redacted. The court will not post an electronic version of the transcript until the court has ruled on any such motion.

Attorneys should be diligent in altering courtroom behavior so that unnecessary information is not elicited in the proceeding, unless necessary to prove an element of the case.